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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/929,063

08/15/2001

Tadayuki Kameyama

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02/26/2004

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EXAMINER

KENNEDY, JENNIFER M

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/929,063

Applicant(s)

KAMEYAMA ET AL.

Examiner

Jennifer M. Kennedy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-9, 15, 16 and 21 is/are allowed.  
6) ☒ Claim(s) 10-14, 18-20 and 23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10-14, and 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and the Figures nowhere disclose the method wherein the migration prevention layer is disposed directly on the absorption type polarizing layer. The specification and Figures disclose an intermediate adhesive (2, 21, 22, 23) layer. Further, claim 18, is directed to forming an adhesive layer between the migration prevention layer and absorption type polarizing layer. The examiner maintains that the formation of the intermediate adhesive layer precludes the migration prevention layer from being formed directly on the absorption type polarizing layer. Applicants have pointed to page 17, and the examples given for support. The examiner notes that in page 17, the applicants discuss a migration preventing layer but also disclose a intervening adhesive layer. Further, the examiner notes that the examples do not discuss a migration prevention layer.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner notes that claim 18 recites that "the migration preventing layer is applied to the polarizing layer through and adhesive layer". Further claim 10, from which claim 18 depends, recites "wherein the migration preventing layer is disposed directly on the absorption type polarizing layer. It is unclear to the examiner how the migration preventing layer can be formed directly on the absorption type polarizing layer, and yet have an adhesive layer intermediate the two layers.

Claim 18 recites the limitation "the polarizing layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the polarizing film" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Asano (U.S. Patent No. 5,048,933).

In re claims 10, 12, and 14, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 42-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, wherein the migration preventing layer (11A, 12A) is disposed directly on the absorption type polarizing layer (21, 22). Asano also discloses the method wherein the migration prevention layer is a silica film and is a silicone agent (part of 11A and 12A; see column 12, line 66 through column 13, line 7 and column 14, line 10-15).

In re claims 10 and 11, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 43-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, wherein the migration preventing layer (11A, 12A) is disposed directly on the absorption type polarizing layer (21, 22). Asano also discloses the method wherein the migration prevention layer is a polymer (11A and 12A, see column 12, lines 15-20). The examiner notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

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In re claims 10, 13, and 19, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 42-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, wherein the migration preventing layer (11A/11B, 12A/12B) is disposed directly on the absorption type polarizing layer (21, 22). Asano also discloses the method wherein the migration prevention layer is a metal oxide (portion 11B and 12B of the migration prevention layer 11A/11B, 12A/12B). The examiner notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

Further, Asano discloses the method wherein the polymer material (11C, 12C) is disposed directly on the migration preventing layer (11A/11B, 12A/12B).

In re claims 10 and 18, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 42-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, wherein the migration preventing layer (11B, 12B) is disposed directly on the absorption type polarizing layer (21, 22). The examiner notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

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Asano further discloses the method wherein the migration preventing layer is applied to the polarizing layer through an adhesive layer (11A, 12 A).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano (U.S. Patent No. 5,048,933) in view of Kim et al. (U.S. Patent No. 6,153,272).

Asano discloses the polarizer substantially as claimed and rejected above, but does not disclose that the polymer layer is purified. Kim et al. discloses the method of forming a purified polymer layer (see column 8, lines 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the polymer layer of Asano of a purified polymer of Kim et al. in order to create a highly stable liquid crystal cell (see Kim et al. column 2, lines 13-32).

Claims 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Asano (U.S. Patent No. 5,048,933) in view of Chen et al. (U.S. Patent No. 5,784,141).

Asano discloses the device as claimed and rejected above, including forming an alignment layer that is a polymer that separates, but does not disclose wherein the polymer material is a removable separation layer. Chen et al. discloses an LCD with

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only one alignment layer, thus the alignment layer is removable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the Asano device with only one alignment layer because as Chen et al. discloses one and two alignment layers can be used interchangeably.

### ***Response to Arguments***

Applicant's arguments filed November 17, 2003 with respect to claims 10-14 and 18-20 have been fully considered but they are not persuasive. The applicant argues that Asano does "the polarizing member comprising an absorption type polarizing layer and polymer material layers has a migration preventing layer disposed between the absorption type polarizing layer and each of the polymer material layers which is disposed directly on the absorption type polarizing layer" not disclose a migration preventing material layer is not disposed directly on the absorption type polymer layer. The examiner notes that it is clear that the migration preventing layer (11A and 12A) is formed directly on the polarizing layer (21, 22) and is between polarizing layers and the polymer layers (11C and 12C).

### ***Allowable Subject Matter***

Applicant's arguments, see the response to non-final office action, filed November 17, 2003, with respect to claims 1-9, 15-16, 21 and 23 have been fully considered and are persuasive. The rejection of claims 1-9, 15-16, 21, and 23 has been withdrawn.



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Claims 1-9, 15-16 and 21 are allowed.

Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art, either singly or in combination, fails to anticipate or render obvious, a absorption type polarizing film and a polymer material layer that does not have any extraordinary refractive index area with a length not smaller than 20  $\mu\text{m}$  and does not have two or more any extraordinary refractive index area with a length of from 0.5 to 20  $\mu\text{m}$  in a region of 50  $\mu\text{m}$  radius .

Further, the prior art, either singly or in combination, fails to anticipate or render obvious, a absorption type polarizing film and one or more polymer material layer provided on one or both opposite surfaces of the absorption type polarizing film, wherein each polymer layer comprises a polymer made from a polymer solution to thereby purify the polymer to a state in which low molecular weight bodies have been removed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

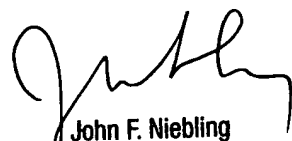
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Kennedy whose telephone number is (571) 272-1672. The examiner can normally be reached on Mon.-Fri. 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (571) 272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
jmk

  
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